

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3173
)	
v.)	
)	
JOHN S. CISNEROS,)	TENTATIVE FINDINGS ON OBJECTION
)	TO REVISED PRESENTENCE
Defendants.)	INVESTIGATION REPORT
_____)	

The defendant objects to the two criminal history points assessed in paragraph 44, arguing that Cisneros was not sentenced “to confinement of at least sixty days.” He acknowledges that he was committed to the Youth Rehabilitation and Treatment Center in Kearney, Nebraska, but his commitment was not specifically ordered to equal or exceed sixty days.

I do not see that the government has responded to the objection. I shall reserve making a decision, tentative or otherwise, regarding the objection and shall look to counsel to provide interpretation of U.S.S.G. § 4A1.2(d)(2)(A) and 4A1.1(b).

Aside from the objection, I find that the Revised Presentence Investigation Report is true and accurate. Additional objections may be made at the time of sentencing, but no evidence shall be received.

Dated June 10, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge